

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-8306, on the date shown below.

Dated: August 30, 2004

Signature: John S. Curran

(John S. Curran)

Docket No.: SMQ-082CN1  
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re Patent Application of:  
John Teloh *et al.*

Application No.: 09/988853

Art Unit: 2175

Filed: November 19, 2001

Examiner: J. F. Betit

For: STORAGE NETWORK DATA REPLICATOR**RECEIVED**  
**CENTRAL FAX CENTER**

AUG 30 2004

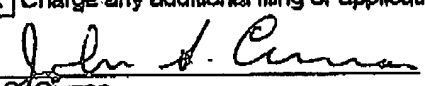
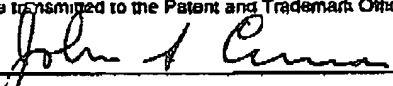
**RESPONSE AFTER FINAL ACTION (37 C.F.R. SECTION 1.116)**MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

In response to the Office Action dated June 29, 2004 (Paper No. 5), finally rejecting claims 1-51, Applicants state as follows:

Remarks/Arguments begin on page 2 of this paper.

<b>AMENDMENT TRANSMITTAL LETTER</b>			Docket No. SMQ-082CN1/ P6396CNT		
Application No. 09/988853-Conf. #9384	Filing Date November 19, 2001	Examiner J. F. Bett	Art Unit 2175		
Applicant(s) John TELOH et al					
Invention: STORAGE NETWORK DATA REPLICATOR					
<b>RECEIVED</b> <b>CENTRAL FAX CENTER</b> <b>AUG 30 2004</b>					
<b>TO THE COMMISSIONER FOR PATENTS</b>					
Transmitted herewith is an amendment in the above-identified application.					
The fee has been calculated and is transmitted as shown below.					
<b>CLAIMS AS AMENDED</b>					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
<b>Total Claims</b>	51	- 51 =		x	0.00
<b>Independent Claims</b>	6	- 6 =		x	0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:</b>					<b>0.00</b>
<input checked="" type="checkbox"/> Large Entity <span style="margin-left: 200px;"><input type="checkbox"/> Small Entity</span>					
<input checked="" type="checkbox"/> No additional fee is required for this amendment.					
<input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of \$ _____. A duplicate copy of this sheet is enclosed.					
<input type="checkbox"/> A check in the amount of \$ _____ to cover the filing fee is enclosed.					
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. <u>12-0080</u> as described below. A duplicate copy of this sheet is enclosed.					
<input checked="" type="checkbox"/> Credit any overpayment.					
<input checked="" type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.					
 John S. Curran Attorney Reg. No.: 50,445  LAHIVE & COCKFIELD, LLP 28 State Street Boston, Massachusetts 02109 (617) 227-7400				Dated: <u>August 30, 2004</u>	
I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9306, on the date shown below Dated: August 30, 2004 <span style="float: right;">Signature:  (John S. Curran)</span>					

**FAX TRANSMISSION****RECEIVED  
CENTRAL FAX CENTER****AUG 30 2004****DATE:** August 30, 2004**PTO IDENTIFIER:** Application Number 09/988853-Conf. #9384  
Patent Number**Inventor:** John TELOH et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (703) 672-9306**FROM:** LAHIVE & COCKFIELD, LLP

John S. Curran

**PHONE:** (617) 227-7400**Attorney Dkt. #:** SMQ-082CN1/P6596CNT**PAGES (Including Cover Sheet):** 9**CONTENTS:** Response After Final (6 pages);  
Amendment Transmittal (1 page); and  
Certificate of Transmission under 37 CFR 1.8 (1 page).

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (617) 227-7400 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

LAHIVE & COCKFIELD, LLP  
28 State Street, Boston, Massachusetts 02109  
Telephone: (617) 227-7400 Facsimile: (617) 742-4214

PTO/SB/97 (12-97)

Approved for use through 8/30/00. OMB 0651-0031

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## Certificate of Transmission Under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on August 30, 2004  
Date

John S. Curran  
Signature

John S. Curran  
Typed or printed name of person signing Certificate

**Note:** Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Response After Final (6 pages);  
Amendment Transmittal (1 page); and  
Certificate of Transmission under 37 CFR 1.8 (1 page).